

# School funding needs a super-session in Olympia

The News Tribune  
September 7, 2014



Demonstrators advocate for more state spending on education prior to a hearing before the state Supreme Court Wednesday in Olympia.

ELAINE THOMPSON — The Associated Press

Of the nine members of the Washington Supreme Court, there must be at least five who realize that war with the Legislature is not the path to full funding for the state's public schools.

Rather than punish lawmakers, the court might want to consider simply telling them to stay in Olympia next year until they've got a solution.

The justices have done a fair amount of saber-rattling this year – warning that they might sanction the Legislature in various ways if it didn't come up with specifics on how it would comply with the court's 2012 McCleary decision.

The divided House and Senate couldn't produce those specifics. In a hearing Wednesday, the justices demanded to know why lawmakers shouldn't be held in contempt.

The weird thing about the growing confrontation is that, as far as we can tell, everyone is on the same side. We have yet to hear a lawmaker of either party say the state should not amply fund the public schools. Few, if any, are defending the Legislature's past performance.

In fact, Republicans have adopted a mantra, "Fund education first," that aggravates liberal Democrats no end. The latter are anxious to preserve social welfare spending, which now stands directly threatened by the court mandate to carve out an additional \$2 billion-plus a year out for public education.

There is an underlying bipartisan consensus to move billions of dollars more into schools. It's all a matter of how to do the moving. As the mantra suggests, many fiscal conservatives would be happy to meet the McCleary mandate, then let all other priorities of government fight over the scraps.

Yet those other priorities include services that are just as important as academics. A child is hardly getting a "basic education" if he's put into a nice classroom with a great teacher – but is too hungry, sick, traumatized or lacking in shelter to actually learn.

Most Democrats would probably be happy to solve the dilemma by increasing taxes. But that's a tough sell to the citizenry. In 2010, for example, voters emphatically defeated a proposed income tax on affluent households even though half the proceeds were to go to public education.

Democrats have a mantra of their own: "Close tax loopholes." But they haven't themselves been eager to do that. The so-called loopholes tend to either be worth little, boosts to employment or else wildly popular – like the sales tax exemption on groceries.

Getting to full funding by 2018 is not an impossible task, given the widespread support for it. The ingredients could include economic recovery, a harder look at the need for universal full-day kindergarten, some money from loopholes, more health care cost-control, a shift of local levy money to the state (which would then cover the basics itself).

Ultimately, it's hard to see how the state can get all the way to the McCleary mandate without some kind of tax increase – which would be easier to sell if legislators had already exhausted the other alternatives.

The justices can prod, but they cannot stage-manage elected budget-writers. Courts cannot solve problems of such complexity within the constraints of reality; only skilled politicians can. Those politicians are less likely to respond to judicial prodding if the court starts hurling thunderbolts and turns itself into a common enemy of the Legislature.

Washington lawmakers need space to work out the political intricacies of a grand bargain. So – give them that space.

If the court is looking for a good edict to issue, it can tell state legislators to do what they are uniquely qualified and constitutionally authorized to do: make deals, find common ground and deliver. The justices can order the 2015 Legislature to stay in session – for as long as it takes – to come up with the plan.

Read more here: <http://www.thenewstribune.com/2014/09/07/3364112/a-long-long-legislative-session.html?sp=/99/447/#storylink=cpy>